REMARKS

I.   Status of the Claims

Claims 1-20 are currently pending in the Application.   Claims 1 and 12 are in independent format.

The present Response is intended to be fully responsive to the rejections raised by the Examiner and is believed to place the application in condition for allowance. Further, Applicant does not concede any of the Examiner's comments not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

II.   Responses to Section 103(a) Rejections

The Examiner rejected claims 1-4, 6-9, 11-14, 16-17, and 19-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent App. Pub. No. 2003/0100312A1 ("Takahashi") in view of U.S. Patent No. 6,529,950 ("Cianciarulo"). The Examiner also rejected claims 5, 10, 15, and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Takahashi in view of Cianciarulo and U.S. Patent No. 6,970,548 ("Rossmann"). Applicant respectfully traverses.

Each of Applicant's currently pending independent claims includes a recitation directed to "a set of data" that comprises "a plurality of records." Each record in the plurality of records includes at least three fields: "(i) a data reference comprising a uniform resource identifier ("URI")"; "(ii) location information"; and "(iii) device capability information." In addition, the recited "data reference" included in each record comprises "a uniform resource identifier ('URI')." Figure 8 of Applicant's application depicts exemplary representations of such data sets:

Device Location	Data Reference	Data Size	Data Provider	Device Requirement
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider1.com/picture1.gif	1MB	provider1	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider2.com/picture1.gif	1MB	provider2	must have color screen
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider2.com/picture2.gif	2MB	provider2	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider2.com/picture2.gif	1MB	provider2	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider2.com/picture2.gif	2MB	provider2	must have color screen
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider1.com/picture1.gif	1MB	provider1	must have color screen
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider1.com/picture1.gif	2 MB	provider1	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 1	www.provider1.com/picture2.gif	2 MB	provider1	must have color screen
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider1.com/picture2.gif	1MB	provider1	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider1.com/picture2.gif	2 MB	provider1	must have color screen
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider1.com/picture1.gif	1MB	provider1	must have color screen
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider1.com/picture1.gif	2MB	provider1	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider1.com/picture2.gif	2 MB	provider1	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider2.com/picture1.gif	1MB	provider2	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider2.com/picture1.gif	1MB	provider2	must have 16 MB memory
(x+1)^2 + (y+1)^2 + (z+1)^2 = 4	www.provider2.com/picture2.gif	2MB	provider2	must have color screen

Figure 8

In addition, as recited in Applicant's currently pending independent claims, in the set of data, each data reference, which comprises "a uniform resource identifier ('URI')", is correlated with both location information and device capability information.

Moreover, each currently pending independent claim includes recitations directed to "querying" the aforementioned "set of data." The claims then recite that querying uncovers "at least one data-reference (comprising a URI) that the set of data correlates with both (i) the current location of the device and (ii) the one or more capabilities of the device" (quoting currently pending claim 1). Applicant's claimed embodiments then acquire data to which the at least one data-reference points and send the acquired data to a device.

In the pending Office Action, the Examiner acknowledged deficiencies of Takahashi:

Takahashi does not specifically disclose a data reference comprising a uniform resource identifier (URI), location information, and device capability information, querying the set of data to uncover at least one data-reference that the set of data correlates with both (i) the current location of the device and (ii) the one or more capabilities of the device.

Office Action, June 12, 2008, p. 2. The Examiner then alleged that Cianciarulo made up for these deficiencies:

Cianciarulo teaches a data reference comprising a uniform resource identifier (URI), location information, and device capability information, querying the set of data to uncover at least one data-reference that the set of data correlates with both (i) the current location of the device and (ii) the one or more capabilities of the device (see column 17, lines 44-67).

Office Action, June 12, 2008, p. 3. The Examiner provided no further support for this assertion and concluded the obviousness rejection by stating that:

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cianciarulo into the system of Takahashi so that systems and methods are provided which afford a technical application for insuring, bonding, and underwriting a transmission of data set, streaming data, and/or document over the internet (see Cianciarulo, Abstract).

Office Action, June 12, 2008, p. 3.

Applicant respectfully submits that the Examiner's rejection in light of Takahashi and Cianciarulo lacks proper factual underpinnings and that the combination of these references fails to reasonably or logically lead to the claimed embodiments. Specifically, Applicant respectfully submits that Cianciarulo cannot make up the deficiencies of Takahashi for at least the reason that neither reference, taken alone or in combination, teaches or reasonably suggests "querying the set of data to uncover at least one data-reference (comprising a URI) that the set of data correlates with both (i) the current location of the device and (ii) the one or more capabilities of the device," as recited in each of Applicant's currently pending independent claims. Moreover, the Examiner failed to clearly articulate how either reference, alone or in combination, discloses or reasonably suggests this recitation.

Generally, Cianciarulo is directed to "systems and methods for insuring, bonding, and underwriting the transmission and receipt of data, streaming data, and/or documents, such as in Internet business transactions." Cianciarulo, col. 2, lines 20-25. In the passage cited by the Examiner, Cianciarulo sets forth the use of "software means and client program to select an

amount of coverage per coverage type, e.g. insuring, bonding, and/or underwriting." *Id.* col. 17, lines 53-55. To do so, according to Cianciarulo, a user accesses a "system server" and "request[s] that a user data set, streaming data, and/or document be insured, bonded, and/or underwritten for transmission over the Internet." *Id.* col. 17, lines 26-29.

The request for insurance in this embodiment of Cianciarulo can include use of an "on-line electronic form" which "includes creating an on-line insurance policy." *Id.* col. 17, lines 29-33. Cianciarulo further discloses that in some embodiments, "the on-line electronic form includes a number of linked web pages," and that "one or more of the number of linked web pages can include an electronic account form having a number of data fields for entering information for an appropriate account." *Id.* col. 17, lines 39-40, 44-47. Accordingly, "a user at a remote client can include data which represent a location, e.g. URL address, of the remote client and an address, e.g. another URL address, for another remote client to which a data set, streaming data, and/or document is to be transmitted." *Id.* col. 17, lines 48-52. The user then selects "an amount of coverage per coverage type" and can "select[] different amounts of coverage within each selected coverage type in order to cover different subsets of the data set(s), streaming data, and/or documents being transmitted" from one "URL address" to "another URL address." *Id.* at col. 17, lines 48-50, 53-60.

Thus, at best, Cianciarulo appears to disclose the entry of URL addresses by a user into an electronic insurance request form to designate an address sending and another address receiving material to be insured. Neither the passage of Cianciarulo cited by the Examiner nor the remainder of Cianciarulo appear to disclose or reasonably suggest any type of ***querying*** of a "set of data," much less querying "to uncover at least one data-reference (comprising a URI) that the set of data correlates with both (i) the current location of the device and (ii) the one or more

capabilities of the device." Therefore neither Cianciarulo nor Takahashi, either alone or in combination, discloses this recitation. Consequently, Applicant respectfully submits that the Examiner has not established *prima facie* obviousness of the independent claims over Cianciarulo and Takahashi.

For at least these reasons, Applicant submits that the independent claims are allowable. In addition, without conceding the Examiner's assertions regarding the dependent claims, Applicant submits that the dependent claims are allowable for at least the reason that they depend from the allowable independent claims.

CONCLUSION

In light of the above, Applicant respectfully submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below at (312) 913-0001 if any questions arise or if he may be of assistance to the Examiner.

Respectfully submitted,

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